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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,904	02/27/2002	George W. Szykiel	08152-00135	4875

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FOSTER, SWIFT, COLLINS & SMITH, P.C.
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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,904

Applicant(s)

SZTYKIEL ET AL.

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24 is/are allowed.
- 6) ☒ Claim(s) 1-8, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 9-13 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Acknowledgment

1. The amendment filed on 9/29/2003 has been considered.

Claim Objections

2. Claims 21-24 are objected to because of the following informalities: The use of parenthesis in claim 21, i.e. (61 cm) is improper. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAdam (5,562,179).**

McAdam in figures 1-2 discloses a powertrain configuration, which can be used for a fire truck chassis (noted that no structure in body of claim to support intended use, therefore not given any patentable weight) comprising a chassis having at least two frame rails (44, 46) and at least one intermediate cross member (54). McAdam also discloses a forward wheel (14) attached to a forward region of the chassis, a rearward wheel (16) and an engine (20). The engine positioned adjacent the forward wheel

assembly and attached to the two chassis frame rails and it appears⁵ that only ten percent of an overall engine height extends above a top of the chassis frame rails (as shown in figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the only ten percent of an overall engine height extends above a top of the chassis frame in order to have more room at the cab for the user to operate the truck.

Regarding claim 2, McAdam discloses a transmission (22) attached to the engine.

Regarding claim 3, McAdam discloses a driveshaft (42), which is attached to the at least one wheel assembly.

Regarding claim 4, McAdam discloses a set of drive wheels comprising the forward wheel assembly (figure 1).

Regarding claim 5, McAdam disclose a set of drive wheels comprising the rearward wheel assembly (figure 1).

Regarding claim 6, McAdam discloses a set of drive wheels comprising the forward wheel assembly and the rearward wheel assembly (figure 1).

Regarding claim 7, McAdam in figures 1-2 discloses a truck comprising at least two chassis frame rails (44, 46) having a forward region and a rearward region (figure 1) and at least one intermediate cross member (54) connecting the chassis frame rails. McAdam also discloses a forward wheel assembly (14) comprising at least one forward axle (as shown in figure 1) and a forward suspension assembly (inherent) attached to the chassis frame rails and a rearward wheel assembly (16) comprising at least two

rearward wheels, at least one rearward axle (inherent) and a rearward suspension assembly (inherent) attached to the chassis frame rails. McAdam also discloses a powertrain comprising an engine (20), a transmission (22) and a driveshaft (42). The driveshaft mounted to the at least one wheel assembly and the powertrain, which is positioned between and attached to the chassis frame rails between the front wheel assembly the rear wheel assembly. The engine positioned adjacent the front wheel assembly and attached to the two chassis frame rails and it appears that only ten percent of an overall engine height extended above a top of the chassis frame rails (as shown in figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the only ten percent of an overall engine height extends above a top of the chassis frame in order to have more room at the cab for the user to operate the truck.

Regarding claim 20, McAdam discloses the placement of the powertrain, between the chassis frame rails based on mathematically and government regulation to provide a safe operating vehicle as is known the art.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAdam (5,562,179) as applied to claim 7 above, and in view of Georgoulis (6,062,716).

McAdam discloses the chassis frame rails, but fail to show a cooling system.

Georgoulis in figures 1-3 teaches a front-end discharge truck comprising a cooling system having a radiator (32), which is disposed between chassis frame rails (12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the powertrain configuration for a truck chassis of

McAdam with the front-end discharge truck comprising a cooling system as taught by Geogoulis in order to receive a very adequate air flow during movement of the truck.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAdam (5,562,179) as applied to claim 7 above, and in view of Shearn et al. (5,499,690).

McAdam discloses the chassis frame rails, but fail to show a cooling system mounted outside of the chassis frame rails.

Shearn et al. in figure 2 teach an integral hood, radiator and bumper support apparatus comprising a cooling system (24), which is mounted outside of chassis frame rails (46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the powertrain configuration for a truck chassis of McAdam with the integral hood, radiator and bumper support apparatus comprising a cooling system, which is mounted outside of chassis frame rails as taught by Shearn et al. in order to allow sufficient movement of air to the cooling system independent from the chassis rails.

Allowable Subject Matter

7. Claims 9-13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 21-24 are allowed, if rewritten to overcome the objection.

Response to Arguments

9. Applicant's arguments with respect to claims 1-13 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hill discloses a vehicle chassis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

HP
November 17, 2003


BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
11/17/03